

Work Program

Mr. Davis	Vote Approval
Mr. Gibbs	Fully support – Good Work. Approve
Mr. Harris	Voted for Approval
Ms. Huff	<p>I voted to approve. I understand there are interests in the community who might wish to have their project included in this draft. I hope they will come forward and present something when this goes to the elected officials.</p>
Mr. Miller	<p>I voted against sending this work program to the City Council and Board Of Commissioners with a favorable recommendation because it does not include the immediate development of a preservation plan for the Golden Belt neighborhood's application for a local historic district and because it identifies the development of the preservation plan for the Cleveland Street Historic District as discretionary.</p> <p>The development of a preservation plan in connection with a valid application for a local historic district is not discretionary. Section 3.16.3.A.3 of the UDO states "If the HPC finds that the proposed historic district meets the requirements of paragraph 3.16.1B above, then the Planning Director, or designee, shall prepare a Historic District Preservation Plan, in accordance with paragraph 3.16.3B below." (Emphasis added). This is not a discretionary process. An application for a local historic district is an application for a rezoning. The citizens who submit it have to go to considerable trouble to obtain the necessary threshold of signatures in order to submit it. The language of the ordinance at every point is mandatory. It says "shall." This creates a duty on the part of the City to perform its part of the process in a reasonable and timely fashion. Nothing in the ordinance tends to indicate that the City's obligation to respond to an application for a local historic district is any different than the City's obligation to respond to any other zoning application. Nothing predicates the City's duty upon the availability of resources or suggests that the City may ignore an historic district application because it chooses to apply resources elsewhere.</p> <p>The Golden Belt neighborhood submitted its application for a local historic district in the fall of 2010. The preliminary hearing for the application was held by the Historic Preservation Commission in early January, 2011. Nothing has been done since then and the neighborhood has complained with increasing intensity as year has followed year. While it may be true that the City was without resources to fulfill its obligation to act on the application in 2011, but in the ensuing three years the City has had plenty of time to reorganize its resources to enable it to complete the work the UDO requires it to complete. No developer would wait four years for the City to act on a rezoning application or a site plan review. Why should ordinary citizens have to wait so long? No developer would permit his project to be dropped off the City's work plan altogether. Why should a neighborhood submit to such treatment? They shouldn't.</p>

Instead of working on a preservation plan the UDO requires the City to complete, the City has included in the work program truly discretionary projects that are bigger, less well defined, and more recently requested. These include the proposed new design districts at Leigh Village and Patterson Place. While I do not oppose the City's consideration of either of these ideas, the resources necessary to do this work should be martialled to perform mandatory jobs first, such as the preservation plan for Golden Belt. At the hearing I pressed the Planning Director about this and his response was that "he has only one person qualified to work on preservation plans and she is budgeted to commit only half her time to such matters." This is an argument that might have had traction in 2011 when the application was relatively new. It is not compelling today, three years later. In the intervening time measures could have been taken to permit the employee to devote more time to historic preservation zoning work or to even send another staffer to school in order to bring him or her fully up to level of competence necessary to complete the work before us.

City and County elected officials should not approve the Work Program until it contains express items providing for treating pending applications for historic districts promptly.

Mr. Padgett

I approve of the work and direction as explained and written. As this is good information I believe the work plan focuses on areas needing attention.

Mr. Smudski

Voted for Approval

Mr. Whitley

I voted to approve

Ms. Winders

The Work Program appears to reflect community priorities fairly well. The amount of important work that we are expecting of the Planning Department is remarkable. I urge the Council and Commission to provide adequate resources.

I am a little concerned that the "privately initiated design districts" may divert focus from other priorities, such as neighborhood requests for New Historic District or progress faster than publicly initiated work on infrastructure and affordable housing in the station areas.